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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Centre Europe - Tiers Monde, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 February 1993]

Sri Lanka: Continuing violations of human rights of Tamils

1. The armed conflict on the island of Sri Lanka and the continuing violations of humanitarian law cause us deep and grave concern.

2. In March 1987, in its resolution 1987/61, the Commission called upon all parties to the conflict "to respect fully the universally accepted rules of humanitarian law" and invited the Government of Sri Lanka "to intensify its cooperation with the International Committee of the Red Cross in the fields of dissemination and promotion of international humanitarian law".

3. In August 1990, at the forty-second session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, more than 18 non-governmental organizations urged that it had "become a matter of urgent importance to act on the reports of several human rights organizations on the gross and consistent violations of human rights in Sri Lanka and to initiate steps to satisfy the aspirations of the Tamil people within the framework of human rights and the right of self-determination".

4. In February 1992, the Chairman of the Commission at its forty-eighth session read out a statement of "serious concern" and once again called upon all parties to "respect fully the universally accepted rules of humanitarian law" and urged negotiations "based on principles of respect for human rights and fundamental freedoms, leading to a durable peace in the north and east of the country".

5. Furthermore, in August 1992, more than 20 non-governmental organizations, in a joint statement to the Sub-Commission, recognized the conflict in the north and east of the island as a "national struggle" of the Tamil "people" and "regretted that the Sri Lankan Government has not seriously responded to the many proposals for cease-fire and talks, even when presented by other concerned Governments".

6. Today, almost 10 years after the plight of the Tamils was considered by the Sub-Commission in September 1983 (resolution 1983/16), the Sri Lankan Government continues with its efforts to subjugate the Tamil people by armed force and the Sri Lankan authorities continue to act in breach of international humanitarian law. One result is that currently, there are more than 200,000 Tamil refugees in Europe, with around 30,000 in Switzerland alone.

7. The gross consistent and continued violations of the human rights of the Tamils have been well documented by a number of reports of international agencies and human rights organizations. The record shows that the attack on the human rights of the Tamil people commenced more than 40 years ago. During the past year it appears that the Sri Lankan authorities have intensified their efforts to wrest control of the Tamil homeland. Some seven years ago, in January 1985, the United Kingdom Parliamentary Human Rights Group, after a visit to the island reported:

> "... whole villages (in the East) have been emptied and neighbourhoods have been driven by the army from their homes and occupations and turned into refugees dependent on the government for dry rations ... . The human rights transgressed in such a course of action do not need to be detailed here ... . More important is that rightly or wrongly it tends to lend credibility to the view so frequently put to us that it is the Government's objective either to drive the Tamils out of the north and east in sufficient numbers so as to reduce their majority in the north and in the east, a process that would be aided by the Government's announced policy of settling armed Sinhalese people in former Tamil areas ... . We can say, without doubt, that the Government is driving Tamils from their homes and does intend to settle Sinhalese people in these areas". (Robert Kilroy-Silk, M.P. and Roger Sims, M.P., United Kingdom Parliamentary Human Rights Group Report, February 1985)

8. We also note that in August 1990, a senior Sinhala civil servant admitted:

> "All wars are fought for land ... . The plan for settlement of people in Yan Oya and Malwathu Oya basins (in the East) was worked out before the communal riots of 1983. Indeed the keenest minds in the Mahavelt, some of whom are holding top international positions were the

architects of this plan. My role was that of an executor ... . We moved a large group of 45,000 land hungry (Sinhala) peasants into the Batticaloa and Polonnaruwa districts of Maduru Oya delta. The second step was to make a similar human settlement in the Yan Oya basin. The third step was going to be a settlement of a number of people, opposed to Eelam, on the banks of the Malwathu Oya. By settling the (Sinhala) people in the Maduru Oya we were seeking to have in the Batticaloa zone a mass of persons opposed to a separate state ... . Yan Oya if settled by non separatists (Sinhala people) would have increased the population by about another 50,000. It would completely secure Trincomalee from the rebels ... ." (Herman Gunaratne in the Sri Lanka Sunday Times, 26 August 1990)

9. It is clear that the so-called State-aided "colonization schemes" within Tamil areas have had little to do with solving landlessness among the Sinhala poor. We conclude that the present campaign of the Sri Lankan authorities in the east of the island of Sri Lanka is a continuation of this "war for land". Since the resumption of hostilities in June 1990, several thousand Tamils have disappeared in the east. In 1991 the Commission's Working Group on Enforced or Involuntary Disappearances visited the island, and in document E/CN.4/1992/18/Add.1 reported on Sri Lanka's horrendous general record on disappearances, which ranks as the worst in the world.

10. Again, during the past year there have been several incidents of bombing of civilian population centres and places of worship in the Tamil areas by Sri Lankan armed forces. The artillery shell attack on festival day at the Vattrapalai Amman temple in the east was followed a few days later by the aerial bombardment of the Turkai Amman Temple in the north on 31 May 1992. The Turkai Amman Temple is sited prominently in front of the Tellipalai Cooperative Hospital with its clear Red Cross markings and it is difficult to explain away the incident as an accident.

11. We believe that peace will come to the island only with justice. We believe that a political resolution of the armed conflict on the island of Sri Lanka will be possible only if (1) there is open recognition that on the island of Sri Lanka there are two peoples, the Tamil people and the Sinhala people, living within relatively well-defined, separate territories and (2) steps are taken to initiate a negotiating process between the two parties to the conflict, namely the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam, on the basis of such recognition. Self-determination is a norm imbued with a sense of natural justice and morality, and open international recognition of the right of self-determination of the Tamil people will pave the way for negotiation and a political resolution of the conflict on the island of Sri Lanka - a conflict which has taken an increasingly heavy toll in human lives and suffering during recent years.